

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JESSE PHILLIPS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 10-034-GPM</b>
	)	
<b>ROGER E. WALKER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Philip M. Frazier (Doc. 222), recommending that Plaintiff's motion for preliminary and permanent injunctive relief (Doc. 210) be denied without prejudice. Plaintiff seeks an order for a medical furlough; Magistrate Judge Frazier recommends denying without prejudice such request until after the Court resolves Defendants' affirmative defense that Plaintiff failed to exhaust his administrative remedies. The Report and Recommendation was entered on March 31, 2010. Plaintiff was granted until April 26<sup>th</sup> to file any objections; to date, no objections have been filed.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7<sup>th</sup> Cir. 1992). The Court "may accept, reject or modify the magistrate judge's recommended decision." *Harper*, 824 F. Supp. at 788. In making this determination, the Court must look at all of the evidence contained in the record and "give 'fresh consideration to those

issues to which specific objections have been made.’” *Id.*, quoting 12 Charles Alan Wright et al., *Federal Practice and Procedure* § 3076.8, at p. 55 (1<sup>st</sup> ed. 1973) (1992 Pocket Part).

However, where neither timely nor specific objections to the Report and Recommendation are made, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985). Accordingly, the Court **ADOPTS** Magistrate Judge Frazier’s Report and Recommendation (Doc. 222),<sup>1</sup> and Plaintiff’s motion for preliminary and permanent injunctive relief (Doc. 210) is **DENIED without prejudice** to refiling after the Court resolves Defendants’ motions for summary judgment based on their exhaustion affirmative defense.

**IT IS SO ORDERED.**

DATED: 05/11/2010

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge

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<sup>1</sup>While a *de novo* review is not required, the Court fully agrees with the findings, analysis, and conclusions of Magistrate Judge Frazier.